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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,903

11/15/2006

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EXAMINER

CARTER, MICHAEL W

ART UNIT

PAPER NUMBER

2828

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,903	Applicant(s) TANAKA ET AL.	
	Examiner MICHAEL CARTER	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. **Claims 1, 3-4, and 11** remain rejected under 35 U.S.C. 103(a) as being unpatentable over Asakura et al., US Patent 4,913,525 (hereinafter referred to as Asakura), in view of Kato et al., US Patent 6,488,419 (hereinafter referred to as Kato) according to the previous office action.
3. **Claims 2, and 7** remain rejected under 35 U.S.C. 103(a) as being unpatentable over Asakura, in view of Kato, and further in view of Verdiell et al., US Patent 5,870,417 (hereinafter referred to as Verdiell) according to the previous office action.
4. **Claims 5-6, and 12** remain rejected under 35 U.S.C. 103(a) as being unpatentable over Asakura, in view of Kato, and further in view of Mizuno et al., "100mW Kink-free Blue-violet Laser Diodes with Low Aspect Ratio," Proceeding of the 11th Sony Research Forum, 2001 (hereinafter referred to as Mizuno) according to the previous office action.
5. **Claims 8-10** remain rejected under 35 U.S.C. 103(a) as being unpatentable over Asakura, in view of Kato, and further in view Sidorin et al. US Patent 7,027,469 (hereinafter referred to as Sidorin) according to the previous office action.
6. **Claims 13-18** remain rejected under 35 U.S.C. 103 (a) as being unpatentable over Asakura, Kato, Mizuno, Verdiell, and Sidorin according to the previous office actions.

Response to Arguments

7. Applicant's arguments filed 02/19/2008 have been fully considered but they are not persuasive.

8. Applicant argues that in the claimed invention the window and the out window lens. While this arrangement exists in figure 7 the limitation does not exist in the claimed limitations. The claim requires only that a window glass is disposed opposite to the beam emission surface which is shown in figure 2 of Kato where window 36 is opposite emission surface 16a in order to seal the laser according to the previous office action.

9. Applicant argues that Asakura does not teach the window the window glass is in a first or second state and that Kato does not remedy the deficiency. However, Kato does show that the window glass is in the second state. The laser (figure 2, label 16) is mounted on mounting member (label 26). Figures 2 and 3 show that the first axis (as defined by claim 1) points approximately up in figure 2 while the second axis points approximately out of the page in figure 2. The window, in Kato, is therefore in the second state as defined by the claim limitation.

10. Applicant argues that Kato is further deficient in that it does not disclose a lens wherein divergent light is altered to be parallel. This language is not present in the claim limitation and it is therefore unclear why the argument is germane.

11. Applicant points out that light following the window glass is "actually in parallel." It is unclear why this is relevant to the claimed limitations. It is also not clear what relevance the assertion has.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Carter whose telephone number is (571) 270-1872. The examiner can normally be reached on Monday-Friday, 7:00 a.m.-4:30 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MinSun Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2828

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MC/

/Minsun Harvey/
Supervisory Patent Examiner, Art Unit 2828